

**201-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.2777 of 2021

Date of decision : September 29, 2021

Vijay Goswami

..... Petitioner

Versus

State of Haryana and another

..... Respondents

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Shveta Sanghi, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Sanjay Vashisth, Advocate and
Mr. Akash Vashisth, Advocate
for respondent No.2-complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.665, dated 29.12.2020, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC at Police Station City Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 17.08.2021. Order dated 17.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.665 dated 29.12.2020 registered under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station City Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner argues that the petitioner be

granted the benefit of anticipatory bail keeping in view the fact that the allegations relate to the year 2011 and the FIR has been registered against the petitioner now only in the year 2020. Learned counsel for the petitioner submits that this is a dispute relating to the selling and purchase of the property and it is only in the investigation, the facts will come whether, the allegations alleged in the FIR have some substance or not. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation and cooperate with the same to unearth the truth.

Learned counsel for the respondent-State submits that as the allegations relate to the transaction of amount in respect of a property and the petitioner has been named specifically, the custodial interrogation of the petitioner is necessary.

Learned counsel appearing on behalf of the complainant also support the State counsel to submit that keeping in view the facts and circumstances of this case, the custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The arrest of the petitioner was already stayed by a Coordinate Bench of this Court vide order dated 21.01.2021.

As the allegations are ten years old and the allegations are yet to be investigated and the petitioner has undertaken before this Court to join and cooperate with the investigation to unearth the truth behind the allegations, no useful purpose will be solved in sending the petitioner behind the bars for custodial interrogation as nothing is to be recovered from him as of now.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the

police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C. Adjourned to 29.09.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Davender Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 17.08.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 29, 2021

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No